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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,413	02/12/2002	Mark J. Enzmann	010418	7008
7590	10/29/2004			EXAMINER GARY, ERIKA A
THOMAS J. EDGINGTON, ESQ. KIRKPATRICK & LOCKHART, LLP HARRY W. OLIVER UILDING 535 SMITHFIELD STREET PITTSBURGH, PA 15222-2312			ART UNIT 2681	PAPER NUMBER 5
DATE MAILED: 10/29/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/074,413	ENZMANN ET AL.
	Examiner	Art Unit
	Erika A. Gary	2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 12 February 2002.  
 2a) This action is **FINAL**.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-14 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-14 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
     Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 9 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, it is unclear what "its" is referring to in the phrase "reveal its location". The examiner will interpret it as revealing the location of the identified wireless terminal.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 5, and 8-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Park et al., US Patent Number 6,490,455 (hereinafter Park).

Regarding claim 1, Park discloses a wireless terminal locator, comprising: a transmitter for transmitting a dominant overhead signal inside an area in which external overhead signals have been attenuated; a receiver for receiving a wireless terminal

identification inside the area; and a processor operable for instructing the transmitter to selectively page an identified wireless terminal to reveal its location inside the area [fig. 3; abstract; col. 2: lines 5-25; col. 4: line 62 – col. 5: line 10].

Regarding claim 5, Park discloses a data storage device [fig. 3: ref. 260].

Regarding claim 8, Park discloses a portable device, comprising a base station emulator programmable to emit a signal and selectively page a wireless terminal that tunes to the signal to register, wherein the paging signal reveals the location of the wireless terminal [fig. 3; abstract; col. 2: lines 5-25; col. 4: line 62 – col. 5: line 10].

Regarding claim 9, Park discloses a wireless terminal locator, comprising: means for transmitting a dominant overheard signal inside an area in which external overhead signals have been attenuated; means for receiving wireless terminal identification inside the area; and processor means for instructing the transmitting means to selectively page an identified wireless terminal and thereby to reveal its location inside the area [fig. 3; abstract; col. 2: lines 5-25; col. 4: line 62 – col. 5: line 10].

Regarding claim 10, Park discloses a method of locating an active wireless terminal inside an area, the method comprising: transmitting an overhead signal that is dominant inside the area; receiving an identification from the wireless terminal; and selectively paging the identified wireless terminal to audibly reveal its location inside the area [fig. 3; abstract; col. 2: lines 5-25; col. 4: line 62 – col. 5: line 10].

Regarding claim 11, it is inherent to queue wireless terminal devices before paging. Typically, queuing is performed on a first in, first out basis.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-4, 6, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park in view of Edstam, US Patent Number 6,718,175 (hereinafter Edstam).

Regarding claim 2-4, Park does not specifically disclose the portability or location of the wireless terminal locator. However, Edstam teaches these limitations in the disclosure of a method and system to prevent wireless terminals from being used in radiosensitive areas. Edstam teaches that a wireless terminal locator as a stand-alone device [col. 2: lines 60-65] that can also be mounted on a vehicle [col. 4: lines 49-50]. Therefore, Edstam suggests that the wireless terminal locator can be handheld, portable, or wall-mounted.

Park and Edstam are combinable because they are from the same field of endeavor, that is, devices to prevent wireless terminals from being used in radiosensitive areas. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify Park to include Edstam to specifically point out the location of the wireless terminal locator. Whether the locator is portable or wall-mounted lacks criticality to the overall function of the invention, which is to prevent wireless terminal usage in restricted areas by first locating the terminal as being in the restricted area.

Regarding claims 6 and 7, Edstam suggests a display and an operator interface for real time control [col. 3: lines 5-12]. At the time of the invention, it would have been obvious to one of ordinary skill in the art to include a display and operator interface for greater control and monitoring of the wireless terminal locator.

6. Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park in view of da Silva, US Patent Number 6,496,703 (hereinafter da Silva).

Regarding claims 12-14, da Silva teaches comparing the identification information with a predetermined list of wireless terminal identifications and paging the wireless terminal when it is not included in the predetermined list [col. 6: lines 25-40]. Therefore, based on operator selection, only certain terminals are paged.

Park and da Silva are combinable because they are from the same field of endeavor, that is, devices to prevent wireless terminals from being used in radiosensitive areas. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify Park to include da Silva to allow certain authorized users of wireless terminals to use their terminal in a restricted area.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Weber et al., US Patent Number 6,343,212, disclose outputting a warning signal when a mobile terminal is approaching a protected area.

Mori et al., US Patent Number 6,128,485, disclose a movable communication system that can prohibit mobile terminal usage in restricted areas.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika A. Gary whose telephone number is 703-308-0123. The examiner can normally be reached on Monday-Thursday and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 703-308-4825. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EAG  
October 27, 2004



ERIKA A. GARY  
PRIMARY EXAMINER